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Attorneys for Defendants, COUNTY OF
RIVERSIDE, RIVERSIDE COUNTY SHERIFF'S
DEPARTMENT, CORPORAL LUIS IBARRA,
DEPUTY NIGEL HINSON, DEPUTY MATT
BILTON, DEPUTY ANTHONY LEVESQUE,
DEPUTY LORENA MIRANDA, DEPUTY
ANDREW PEARSON, DEPUTY JOSEPH
RODRIGUEZ

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

JARRELL RAYVON ALLEN, an
individual,

Plaintiff,

v.

COUNTY OF RIVERSIDE, a
California municipal entity;
RIVERSIDE COUNTY SHERIFF'S
DEPARTMENT, a California
municipal entity; CORPORAL LUIS
IBARRA, an individual; DEPUTY
NIGEL HINSON, an individual;
DEPUTY MATT BILTON, an
individual; DEPUTY ANTHONY
LEVESQUE, an individual; DEPUTY
SHERIFF LORENA MIRANDA, an
individual; DEPUTY ANDREW
PEARSON, an individual; DEPUTY
JOSEPH RODRIGUEZ, an individual;
and DOES 1-30, inclusive,

Defendants.

Case No. 5:19-CV-00153-RGK-SHK
*[The Hon. R. Gary Klausner,
Magistrate, Shashi H. Kewalramani]*

**DECLARATION OF
CORRECTIONAL DEPUTY NIGEL
HINSON IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, SUMMARY
ADJUDICATION**

Date: January 13, 2020
Time: 9:00 am
Ct. No.: 850

1 I, NIGEL HINSON, state and declare as follows:

2 1. I am a Correctional Deputy with the Riverside County Sheriff's
3 Department ("RCSD") and I have been employed with RCSD since January 2015. I
4 have been named as a defendant to this action. If called and sworn as a witness to
5 testify, I am competent to testify and would testify from my own personal
6 knowledge as to the facts set forth in this declaration, except as to those matters that
7 are stated on information and belief.

8 2. This declaration is made in support of Defendants' Motion for
9 Summary Judgment, which I am informed and believe is being filed separately on
10 my behalf with the Court.

11 3. On May 26, 2018, I was working as a Correctional Deputy at the Larry
12 D. Smith Correctional Facility, and was assigned to Housing Unit 17.

13 4. At about 12:40 p.m. on May 26, 2018, after the inmates in Housing
14 Unit 17 finished eating their meals, they were instructed to return to their cells.

15 5. It is common practice in Housing Unit 17 that three inmates from each
16 dayroom – one from each race – are allowed to remain in the dayroom to clean.
17 Cleaning the dayroom is a privilege for the inmates because they are allowed to
18 remain outside of their cells longer and have access to phones and the television.

19 6. On the day of the incident, plaintiff Jarrell Allen was one of the inmates
20 who remained in the dayroom to clean.

21 7. Allen and the two other inmates were told to return to their cells. The
22 two other inmates complied, but Allen refused. Allen approached the housing unit
23 speaker and wanted an explanation as to why he had to return to his cell.

24 8. Sr. Corporal Ibarra told Allen that he was not allowed to clean due to
25 his previous behavior in the dayroom. Allen did not agree with Sr. Corporal Ibarra's
26 decision. Allen told Sr. Corporal Ibarra that Sr. Corporal Ibarra needed to give him a
27 better reason.

28 9. Sr. Corporal Ibarra instructed Allen to step out of the dayroom and

1 walk out into the Housing Unit 17 hallway.

2 10. For safety concerns, it is common practice that when handling inmates,
3 two deputies are present. I stepped out of the Housing Unit 17 control booth pod
4 with Sr. Corporal Ibarra and walked into the left sally port slider entrance.

5 11. When Allen stepped out of the dayroom, he appeared annoyed and was
6 walking with his arms out to the side of his body. It is routine procedure that inmates
7 place their hands behind their backs when they step out of the dayroom. It is
8 construed as an act of open defiance when inmates step out of the dayroom with
9 their hands at their sides.

10 12. Sr. Corporal Ibarra instructed Allen to place his hands behind his back.
11 As if pretending he did not hear Sr. Corporal Ibarra's instructions, Allen started
12 looking around into the dayrooms with other inmates, and continued to walk
13 towards Sr. Corporal Ibarra with his hands still out to his sides.

14 13. Sr. Corporal Ibarra again instructed Allen to place his hands behind his
15 back. Allen shook his head and slowly placed his hands behind his back. Sr.
16 Corporal Ibarra told Allen to walk to the redline area in the Housing Unit 17
17 hallway.

18 14. The redline is a physical red line painted on the floor and it is an area
19 designated for inmates to stand and where staff can talk to the inmates. It is a sign of
20 compliance when inmates stand in the redline area.

21 15. While walking to the redline, Allen stopped and asked where he was
22 going. Sr. Corporal Ibarra told Allen to keep walking towards the wall and stand
23 with his back against the wall. Allen did not comply and remained still. I placed my
24 left hand on Allen's back to help guide him towards the wall. Allen started resisting
25 by tensing his body and turned aggressively towards me. I perceived that Allen was
26 going to assault Sr. Corporal Ibarra or myself. Attached as Exhibit "G-1" is a true
27 and correct Still Photo re Allen resisting by tensing his body and turning towards
28 me.

1 16. I grabbed Allen by his right hand and placed it behind his back. Sr.
2 Corporal Ibarra was on Allen's left side. Together, Sr. Corporal Ibarra and I pushed
3 Allen against the wall to gain control of him and to place Allen in handcuffs. Allen
4 tensed his arm and tried to pull away from my grip. Attached as Exhibit "G-2" is a
5 true and correct Still Photo re Allen pulling his arm away from me.

6 17. I told Allen not to tense his body and stop trying to pull away. Allen
7 pushed himself off of the wall and was able to step away from the wall. Attached as
8 Exhibit "G-3" is a true and correct Still Photo re Allen stepping away from the wall.

9 18. As Sr. Corporal Ibarra and I struggled with Allen, we walked
10 backwards towards the opposite side of the hallway. I tried to maintain my hold on
11 Allen's arm but he continued to pull away. Allen was able to get his arm free from
12 my hold. Attached as Exhibit "G-4" is a true and correct Still Photo re Allen with his
13 right arm free and looking at Sr. Corporal Ibarra.

14 19. I put my hand over Allen's eyes to distract him and gain compliance.
15 Allen continued to fight and grabbed Sr. Corporal Ibarra's head. It appeared that
16 Allen was trying to force Sr. Corporal Ibarra to the floor. At this time, I perceived
17 that Allen had just assaulted Sr. Corporal Ibarra and posed an immediate threat to
18 the safety of Sr. Corporal Ibarra and myself. Attached as Exhibit "G-5" is a true and
19 correct Still Photo re my hand over Allen's eyes and Allen grabbing my hand.

20 20. I attempted to turn Allen towards me to prevent him from forcing Sr.
21 Corporal Ibarra to the floor.

22 21. Allen reached for my arm and started to push me off. I believed Allen
23 was trying to assault me. Attached as Exhibit "G-6" is a true and correct Still Photo
24 re Allen reaching for my arm.

25 22. Allen continued to push me off as I tried to gain control of him. I
26 grabbed Allen's arm and tried to pull him to the ground. Based on my training and
27 experience, for the safety of staff and other inmates, when there is an assaultive
28 inmate, the goal is to get the inmate to the ground.

1 23. Allen, however, continued to physically fight my and Sr. Corporal
2 Ibarra's efforts to gain control of him. Allen was continuously pulling away from me
3 and moving his arms as if he was going to strike Sr. Corporal Ibarra and myself. I
4 punched Allen approximately seven times in his face with my right hand.

5 24. During the incident, Allen was aggressive and was actively fighting Sr.
6 Corporal Ibarra and me. We had to forcibly pull Allen to the floor.

7 25. Once on the floor, Allen was on his stomach and continued to be
8 noncompliant. He had his hands tucked underneath his body, which posed a safety
9 issue because I did not know whether Allen had a weapon.

10 26. Sr. Corporal Ibarra got on top of Allen's back trying to get Allen's arms
11 from underneath him. Allen continued to physically resist by pushing off the ground
12 and trying to roll over to his back to have a better advantage in the fight. I instructed
13 Allen to stop moving and to place his hands behind his back, but Allen refused.

14 27. Allen continued to push off the ground, so I punched Allen five more
15 times with my right hand to the left side of his face. My punches were effective in
16 getting Allen to stop pushing off the ground. I reached under Allen's body and
17 grabbed his right arm. I tried to pull Allen's right arm out from under his body to put
18 it behind his back. Deputy Miranda was controlling Allen's left arm and placed it
19 behind his back and placed him in handcuffs.

20 28. Allen was very strong and it was difficult for five staff members to
21 control him. Once Allen was handcuffed, I did not, nor did I witness any deputies
22 involved in the incident, use any force.

23 29. After Allen was handcuffed, I told him to stand up while I attempted to
24 assist him to his feet. Allen was still aggressive and refused to comply with my
25 orders.

26 30. Correctional Deputy Levesque and I grabbed Allen's arms and rolled
27 him into a seated position. CD Levesque and I pulled Allen to his feet by his arms
28 and escorted him to the Intake Medical Office.

1 31. I recall Allen was able to walk on his own while being escorted to
2 Intake.

3 32. I did not see any visible injuries on Allen, and Allen did not complain
4 about any pain while being escorted to Intake.

5 33. Upon arriving in Intake, I escorted Allen to the Intake Medical office
6 and placed him into a chair by the door. Once Allen was in the medical office, I left
7 the area and had no further contact with Allen.

8 I declare under penalty of perjury under the laws of the State of California
9 and of the United States of America that the foregoing is true and correct.

10 Executed on December 16, 2019, at Riverside, California.

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16 CORRECTIONAL DEPUTY NIGEL
17 HINSON
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